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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/803,253   | 03/18/2004  | Bruce S. Jones       | NUKZ 2 00337        | 5981             |
| 27885  | 7590        | 05/04/2005           | EXAMINER            |                  |
| FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP<br>1100 SUPERIOR AVENUE, SEVENTH FLOOR<br>CLEVELAND, OH 44114 |             |                      | GHATT, DAVE A       |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2854                |                  |

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/803,253

Applicant(s)

JONES, BRUCE S. 

Examiner

Dave A. Ghatt

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 9-12 are objected to because of the following informalities: In claim 9 lines 5-6 recites, "[W]hen said interlock member connected to said chute." Maybe the applicant meant, "[W]hen said interlock member *is* connected to said chute." Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 8-11, 13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sturgeon et al. (US 6,779,874). Sturgeon et al. teaches the claimed method and apparatus. As illustrated in Figure 2, Sturgeon et al. teaches the step of providing an ink cassette and interlock member for mounting on a printer carriage. With respect to claims 1, 8, and 16, Figure 2 shows an ink cassette 24a and an interlock member 22a for selective attachment to the carriage 30 of a printer. As outlined in column 10 lines 54-62, Sturgeon et al. teaches a first and second means (220a, 224a) respectively on the cassette 24a and the interlock member 22a for releasably inter-engaging the cassette and the interlock member.

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With respect to claims 2 and 11, as outlined in column 10 lines 54-62, and as shown in Figure 7, Sturgeon et al. teaches extending tabs (shown generally in the protruding region between 224b and 224a).

With respect to claim 3, as shown in Figure 7, Sturgeon et al. teaches the tab (the protruding region between 224b and 224a) having a quadrilateral profile (from the perspective of a viewer whose line of vision is perpendicular to the narrow front side of the tab).

With respect to claims 5 and 13, column 10 lines 44-67 of Sturgeon et al. teaches the structure of tabs to allow the insertion of specific types of ink cassettes while preventing the insertion of other types of ink cassettes.

With respect to claims 8 and 10, as stated above, Figure 2 of Sturgeon et al. shows an ink cassette 24a and an interlock member 22a for selective attachment. Figure 7 shows the interlock comprising an inside leg, an outside leg, and a connecting member shown generally at U-shaped region 238. See also column 10 line 63 to column 11 line 7. Figure 7 shows the inside leg having an extending tab (region between 224b and 224a) for releasably inter-engaging the cassette and the interlock member.

With respect to claim 9, Figures 2 and 5 show the carriage chute having an upper peripheral front edge 72. As outlined in column 10 line 63 to column 11 line 7, and as shown in Figure 2, the inside leg and the outside leg slidably engage opposing surfaces of the front side of the chute, and the connecting member seated upon a portion of the peripheral edge when the interlock member is connected to the chute.

With respect to claim 16, the applicant should note that the operation of Sturgeon et al. requires the recited method steps.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 6, 7, 12, 14, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sturgeon et al. (US 6,779,874) in view of Stewart (US 6,030,134). As outlined in the above rejection to claims 1, 8, and 16, Sturgeon et al. teaches the recited method and apparatus, including an apparatus and method for discriminating among different families of ink cassettes. (See column 10 lines 44-67.) However, Sturgeon et al. does not teach a family of ink cassettes that use edible ink. Stewart teaches an inkjet printer similar to Sturgeon et al. that involves the use of edible ink. (See column 4 lines 52-67.) In view of this teaching of Stewart, it would have been obvious to one of ordinary skill in the art to use an edible ink family because this provides the benefit of applying images to edible paper, as taught by Stewart in column 1 lines 5-10. Furthermore, as outlined in column 3 lines 40-46, Stewart teaches the process of modifying printers as taught by Sturgeon et al. to allow printing on edible paper.

***Conclusion***

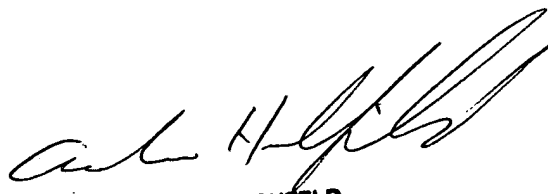
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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